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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant : Peter STEINBORN, et al.
Serial No. : 10/658,027
Filed : September 9, 2003
For : METHOD AND DEVICE FOR INSERTING A
PLURALITY OF INDIVIDUAL SHEETLIKE
FORMS OF ADMINISTRATION IN A
DISPENSER BY FORMING A MULTILAYER
PILE
Group Art Unit : 3651
Examiner : Patrick Hewey Mackey

Certificate of Mailing Under 37 CFR 1.8

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Ricardo Unikel
(Name)


(Signature)

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

This is an appeal from the final rejection of claims 1-9 in the Final

Office Action of November 9, 2005.

07/18/2006 MBELETE1 00000043 10658027

01 FC:1251 120.00 OP
02 FC:1402 500.00 OP

REAL PARTY IN INTEREST

Rights in the present application are assigned to LTS Lohmann Therapie-Systeme AG, of Andernach, Germany, which is the sole real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to the Appellants' or Appellants' legal representative which will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal in the present application.

STATUS OF CLAIMS

Claims 1-9 are in this application, and are being appealed. No claims have been allowed.

STATUS OF AMENDMENTS

An Amendment After Final Rejection Under 37 C.F.R. § 116 was filed on February 8, 2006 ("Amendment After Final Rejection") to correct a typographical error in the specification. In the Advisory Action of February 28, 2006 Appellants were notified that the Amendment After Final Rejection

was not entered because it was not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a method for the production of individual administration forms, arranged as a multilayered stack 9, from individual tapes 10. Figure 1; and page 3, lines 6-16¹. The method includes arranging the individual tapes 10 into a multilayered strand 8 where multilayered strand 8 has a leading end. Figure 1; and page 5, line 14 - page 6, line 7. The multilayered strand 8 is aligned and transported to a cross-cutting device 4, such that the leading end of the multilayered strand 8 is advanced beyond the cross-cutting device 4. Figure 1; claim 1 as filed; and page 5, line 18 - page 6, line 7. An empty, pre-opened dispenser 5 is positioned downstream of the cross-cutting device and has an open side which faces the leading end of the multilayered strand 8. Figure 1; and page 5, line 18 - page 6, line 7. The leading end of the multilayered strand 8 is shifted substantially into the empty, pre-opened dispenser 5 and the multilayered strand 8 is then cut by a cross-cutting device 4 to sever a multilayered stack 9 from the multilayered strand 8, such that the leading end of the multilayered strand 8 becomes a leading end of the multilayered stack 9.

¹Citations to line numbers of pages of the specification are determined by counting only lines having text. Blank lines are not counted.

Figure 1; page 3, lines 6-16; and page 5, line 18 - page 6, line 7. The multilayered stack is directly transferred into the dispenser. Figure 1; and page 5, line 18 - page 6, line 7.

Independent claim 9 is directed to a method for the production of individual administration forms, arranged as a multilayered stack 9, from individual tapes 10. Figure 1; and page 3, lines 6-16. The method includes arranging the individual tapes 10 into a multilayered strand 8 where multilayered strand 8 has a leading end. Figure 1; and page 5, line 14 - page 6, line 7. The leading end of the multilayered strand 8 is shifted substantially into the empty, pre-opened dispenser 5 and the multilayered strand 8 is then cut by a cross-cutting device 4 to sever a multilayered stack 9 from the multilayered strand 8. Figure 1; page 3, lines 6-16; and page 5, line 18 - page 6, line 7. The multilayered stack is transferred into the dispenser. Figure 1; and page 5, line 18 - page 6, line 7.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Ground 1: Whether claims 1, 3, 4, 8, and 9 are unpatentable under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,788,208 (Pearce).

Ground 2: Whether claims 1-9 are unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,588,280 (Kotsiopoulos) in view of U.S. Patent No. 2,788,208 (Pearce).

ARGUMENTS

Ground 1: Whether claims 1, 3, 4, 8, and 9 are unpatentable under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,788,208 (Pearce).

Claims 1 and 3: Claims 1 and 3 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,788,208 (Pearce). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See Verdegaal Brothers Inc. v. Union Oil Company of California*, 2 USPQ2d 1051, 1053, 814 F.2d 628 (Fed. Cir. 1987); MPEP § 2131.

Claim 1 recites a method for the production of individual administration forms, arranged as a multilayered stack, from individual tapes. The meaning of a word in a claim is construed in the context of the specification and drawings. *See Toro Co. v. White Consolidated Industries Inc.*, 53 USPQ2d 1065, 1069, 199 F.3d 1295 (Fed. Cir. 1999); MPEP § 2111.01. In the present application, the term “administration forms” is used to denote dosage forms². Thus, the

²It is clear from the specification that the term “administration forms” describes preparations that are to be administered or applied, such as a pharmaceuticals or cosmetics. Moreover, such a term is not exclusively used in the present application since, for example, U.S. Patent No. 6,884,437 is entitled “Administration Form Comprising an Acid-Labile Active Compound”, demonstrating that the term “administration form” is known in the art.

word administration forms in the present application describes compositions or preparations that are used for delivering or applying substances to humans or animals. In fact, the specification, on page 1, lines 8-9 states that "[t]he administration forms may for application thereof containing [sic] therapeutic or cosmetic or food-technological products." Thus, it is evidenced in the specification that administration forms pertains to dosage forms which are to be administered to, for example, a human or animal.

In contrast, Pearce is directed to a machine for producing multiple printed forms, as is clear from the title of Pearce. Furthermore, column 1, lines 15-18 of Pierce states that "[t]his invention relates to the production of multiple printed forms, and particularly to the production of assembled packet units each including a plurality of printed forms having carbon paper webs interleaved therewith." Thus, Pearce is directed to objects that are printed on and there is no disclosure that Pearce is directed to the production of individual administration forms. Pierce is directed to printed paper forms that may be used for office work and is not directed to administration forms, as recited in claim 1. Pearce is not directed to anything that is being administered and therefore does not disclose any administration forms. Accordingly, the processes of claim 1 and of Pearce are different and Pearce therefore cannot anticipate claim 1.

Furthermore, claim 1 does not merely recite administration forms, it recites individual administration forms arranged as a multilayered stack. The recitation of individual administration forms is directed to a multilayered stack with individual administration forms which can be removed individually. The specification, on page 1, lines 5-8, states that "[t]his invention relates to a process, as well as a device, for introducing a plurality of segregated sheet-like administration forms into a dispenser under formation of a multilayered stack for individually dosable removal." In contrast, Pearce fails to disclose any individual administration forms. In fact, Pearce teaches individual webs being joined together at their edges (by, for example, and adhesive) and successive printed forms being severed from each other with the webs still being joined at their edges after severing. *See* Pearce column 5, lines 29-35; and column 6, lines 3-18. Thus, the resulting product taught in Pearce consists of a plurality of webs that are attached together and cannot be considered to be individual administration forms. Pearce discloses in column 1, lines 58-59, the units emerging in "completed packet form" and in column 2, lines 44-46, "unitary packets with the several sheets perforated, printed, and joined in registering relation." Thus, Pierce fails to disclose individual administration forms and therefore it is respectfully requested that claim 1 be deemed allowable over Pierce.

Claim 1 recites shifting the leading end of the multilayered strand substantially into the empty, pre-opened dispenser and Pearce fails to disclose such limitation. The term "pre-opened dispenser" means that the dispenser must have a side provided with closure means (e.g., a lid) that must be opened before the strand can be inserted and that can be closed after the process is completed. In contrast, the product in Pearce ends up going into a "delivery chute 38" as is seen in Figure 1 of Pearce. There is no disclosure in Pearce of the existence of any lid for the delivery chute 38. As such, the chute cannot be a "pre-opened dispenser" as recited in claim 1. The term chute generally refers to a trough or passage and would not be interpreted as having a lid unless disclosed as having a lid. Although the Office Action of November 9, 2005 ("the Office Action") states, on page 2, lines 17-18³ "positioning an empty, pre-opened dispenser (38) having an open side in a filling position," the term "having an open side" is different from being "pre-opened." Furthermore, Pearce discloses on column 4, lines 39-49 that successive lengths of web material are sheared from the web, after which they drop into the chute. Such delivery chute does not have the same form nor function as the dispenser recited

³Citations to line numbers of pages of the Office Action are determined by counting only lines having text. Blank lines are not counted. The lines of header text are included in the counting.

in claim 1⁴. Furthermore, dropping something into a chute (see Pearce column 4, lines 43-47) is different from shifting the leading end into the dispenser, as recited in claim 1. Accordingly, claim 1 is further patentable over Pierce for this reason as well.

Claim 1 recites shifting the leading end of the multilayered strand substantially into the empty, pre-opened dispenser and after shifting the leading end substantially into the dispenser, cutting the multilayered strand with a cross-cutting device. The Office Action, on page 2, lines 20-24, cites column 4, lines 40-45 of Pearce as disclosing a method including shifting the leading end of the multilayered strand substantially into the empty, pre-opened dispenser and after shifting the leading end substantially into the dispenser, cutting the multilayered strand by means of the cross-cutting device. Pearce states, in column 4, lines 39-49, as follows:

From the clamping jaws 34, the sheets pass over a shear plate 36 and under a shear blade 37, operating in timed relation to the printing and feeding mechanism, to shear the several sheets at points substantially midway between successive printed impressions. Successive lengths of the sheet material sheared from the webs by the blade 37 drop onto a delivery chute 38 from which they may be removed by any suitable means. Preferably the delivery chute 38 is actuated by a suitable jogging

⁴It is clear from the specification that the term "dispenser" refers to a container designed to dispense its contents in units or portions. Moreover, such a description is not inconsistent with the dictionary definition of dispenser since Webster's Third New International Dictionary (2002) defines a dispenser as, *inter alia*, "a container that extrudes, sprays, or feeds out in convenient units something (as facial tissues, tape, perfume, pills) usu. sold or acquired in multiple units or in bulk."

mechanism 39 for aligning successive groups severed from the advancing webs.

There is no disclosure in column 4, lines 40-45 of shifting the leading end of the multilayered strand substantially into the empty, pre-opened dispenser and after shifting the leading end substantially into the dispenser, cutting the multilayered strand with a cross-cutting device. The language of "[s]uccessive lengths of the sheet material sheared from the webs by the blade 37 drop into a delivery chute 38" (emphasis added) demonstrates that in Pearce the sheet material is sheared and that after the shearing takes place, the piece that is sheared is dropped into the chute. Thus, Pierce does not disclose shifting an end of the multilayered strand substantially into the dispenser and then cutting the multilayered strand, as recited in claim 1. Accordingly, for the above-mentioned reasons, it is respectfully requested that claim 1 be allowed over Pierce. The arguments presented above also apply to claim 3, which depends from claim 1 and which is to be treated together with claim 1.

Claim 4: Claim 4 has been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,788,208 (Pearce). Claim 4 recites that the administration forms contain at least one of: therapeutic, cosmetic, and food-technological products. The Office Action, on page 2, states that "Pearce discloses a method for the production of individual cosmetic (printed on)

administration forms." The Office Action is equating an administration form containing a cosmetic with a printed form. No reasonable interpretation of a printed form in Pearce can encompass an administration form containing a cosmetic. The Office Action seems to suggest that just because something is printed on, it should be construed as a cosmetic. Or is the Examiner perhaps suggesting that printing a form beautifies the paper on which the form is printed and, hence, is a "cosmetic enhancement"? Such interpretations are not reasonable or appropriate and are contrary to the interpretation of one of ordinary skill in the relevant art as well as to the disclosure of the present application. Accordingly, Appellants respectfully request that claim 4 be deemed allowable over Pearce.

Claim 8: Claim 8 has been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,788,208 (Pearce). Claim 8 recites the dispenser being a two-piece dispenser with a drawer-shaped bottom part and a top part. Although the Office Action lists claim 8 as anticipated over Pierce, the Office Action fails to explain why claim 8 has been rejected. Accordingly, the U.S. Patent and Trademark Office has failed to make a *prima facie* case of anticipation by failing to provide any information as to why claim 8 has been listed as rejected as anticipated over Pearce. Moreover, Pearce fails to disclose

any two-piece dispenser with a drawer-shaped bottom part and a top part.

Accordingly, it is Appellants' position that claim 8 is patentable over Pierce.

Claim 9: Claim 9 has been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,788,208 (Pearce). Claim 9 recites a method for the production of individual administration forms, arranged as a multilayered stack, from individual tapes. As described above, claim 1 also recites a method for the production of individual administration forms, arranged as a multilayered stack, from individual tapes. Pierce fails to disclose a method for the production of individual administration forms, as recited in claim 9, for the reasons delineated above regarding claim 1.

Claim 9 recites shifting the leading end of the multilayered strand substantially into a pre-opened dispenser and after shifting the leading end substantially into the dispenser, cutting the multilayered strand by a cross-cutting device. Claim 1 also recites shifting the leading end of the multilayered strand substantially into the pre-opened dispenser and after shifting the leading end substantially into the dispenser, cutting the multilayered strand with a cross-cutting device. Pearce fails to disclose a "pre-opened dispenser" as recited in claim 9 for the same reasons as described above regarding claim 1. Pearce also fails to disclose shifting the leading end of the multilayered strand substantially into a pre-opened dispenser and after shifting the leading end substantially into

the dispenser, cutting the multilayered strand by a cross-cutting device for the same reasons as described above regarding claim 1. Accordingly, it is Applicants' position that claim 9 is patentable over Pearce.

Ground 2: Whether claims 1-9 are unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,588,280 (Kotsiopoulos) in view of U.S. Patent No. 2,788,208 (Pearce).

Claims 1, 2, 3, 6, and 8: Claim 1 has been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,588,280 (Kotsiopoulos) in view of U.S. Patent No. 2,788,208 (Pearce). To establish a *prima facie* case of obviousness, it is necessary to show that all the claim limitations are taught or suggested by the prior art. *See In re Royka and Martin*, 180 USPQ 580, 583, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03.

Claim 1 recites a method for the production of individual administration forms, arranged as a multilayered stack, from individual tapes. The meaning of a word in a claim is construed in the context of the specification and drawings. *See Toro Co. v. White Consolidated Industries Inc.*, 53 USPQ2d 1065, 1069, 199 F.3d 1295 (Fed. Cir. 1999); MPEP § 2111.01. In the present application,

the term "administration forms" is used to denote a dosage form⁵. Thus, the word administration forms in the present application describes compositions or preparations that are used for delivering or applying substances to humans or animals. In fact, the specification, on page 1, lines 8-9 states that "[t]he administration forms may for application thereof containing [sic] therapeutic or cosmetic or food-technological products." Thus, it is evidenced in the specification that administration forms pertains to dosage forms which are to be administered to, for example, a human or animal.

In contrast, Kotsiopoulos is directed to a machine for positioning coupons, as disclosed in the Abstract of Kotsiopoulos. No reasonable interpretation of "coupons" would equate a coupon and an administration form as recited in claim 1. Kotsiopoulos is not directed to anything that is being administered and therefore does not disclose any administration forms. Moreover, there is no suggestion in Kotsiopoulos of any administration forms, as recited in claim 1. Accordingly, the processes of claim 1 and of Kotsiopoulos are different and Kotsiopoulos therefore cannot render claim 1 obvious.

⁵It is clear from the specification that the term "administration forms" describes preparations that are to be administered or applied, such as a pharmaceuticals or cosmetics. Moreover, such a term is not exclusively used in the present application since, for example, U.S. Patent No. 6,884,437 is entitled "Administration Form Comprising an Acid-Labile Active Compound", demonstrating that the term "administration form" is known in the art.

Claim 1 recites arranging individual tapes into a multilayered strand and cutting the multilayered strand with a cross-cutting device to sever a multilayered stack from the strand. The Office Action states, on page 3, lines 22-24, that Kotsiopoulos "does not disclose arranging individual tapes into a multilayered strand." Appellants agree that Kotsiopoulos does not disclose arranging individual tapes into a multilayered strand, as recited in claim 1. The Office Action states, on page 3, lines 25-26, that Pearce teaches arranging individual tapes into a multilayered strand to create a stack with a plurality of layers. The Office Action also states on page 3, line 27 - page 4, line 5, that "[i]t would have been obvious for a person of ordinary skill in the art at the time of applicant's invention to modify Kotsiopoulos by arranging individual tapes into a multilayered strand, as disclosed by Pearce, for the purpose of creating a stack that has a plurality of layers." The Federal Circuit has stated that there must be suggestion or motivation to combine references. *See In re Mills*, 16 USPQ2d 1430, 1432, 916 F.2d 680 (Fed. Cir. 1990) (emphasis added); MPEP § 2143.01. The Office Action has failed to identify any suggestion or motivation to modify Kotsiopoulos to provide a stack that has a plurality of layers and, accordingly, *prima facie* obviousness has not been demonstrated.

Furthermore, the Federal Circuit has stated that generally, a reference that teaches away cannot serve to create a *prima facie* case of obviousness. *See In re Gurley*, 31 USPQ2d 1130, 1132, 27 F.3d 551 (Fed. Cir. 1994); *see also* MPEP §

2145. Kotsiopoulos discloses that only one coupon is to be placed in each container. For example, on column 2, lines 30-33, Kotsiopoulos discloses that an object of the invention is "to provide a coupon inserting apparatus capable of detaching a single coupon from a continuous web" (emphasis added).

Kotsiopoulos also discloses, in column 2, lines 34-37, that an object of the invention is to efficiently feed the coupons "one at a time". Thus, Kotsiopoulos teaches away from being modified to have a multilayered strand since only one coupon is to be detached at a time. The statement in the Office Action on page 3, line 24 that "Kotsiopoulos is silent as to how many layers comprise strand (46)" is incorrect since it is clear that only one coupon is placed into each container. Accordingly, *prima facie* obviousness is lacking for this reason as well and it is submitted that claim 1 is patentable over Kotsiopoulos in view of Pearce.

Claim 1 recites transporting the multilayered strand to a cross cutting device and cutting the multilayered strand with the cross-cutting device. The Office Action states on page 3, lines 14-15, that the method of Kotsiopoulos includes "transporting a strand to a cross-cutting device (36/38, 48/50), such that said leading end of the strand is advanced beyond the cross-cutting device (see col. 5, lines 39-49)". The Office Action also states, on page 3, lines 20-21, that Kotsiopoulos teaches "cutting the multilayered strand by means of the cross-cutting device." However, Kotsiopoulos fails to disclose or suggest a

cross-cutting device, as recited in claim 1. Kotsiopoulos discloses, in column 2, line 51 - column 3, line 4 that a web of separable coupons is used with successive coupons connected to each other by weakened portions, such as perforations, and that the forwardmost coupon is separated by rolls. Furthermore, Kotsiopoulos discloses in column 5, lines 39-45, that "[a]t a predetermined time, feed rolls 36 and 38 cause the leading edge of the forwardmost coupon 20 to enter the bight 49 between positioning rolls 48 and 50. Positioning rolls 48 and 50 tear the forwardmost coupon 20 from the next succeeding coupon 22 along the perforated line of separation and inject forwardmost coupon 20 at a predetermined location." (emphasis added). Thus, objects 36 and 38 are "feed rolls" and objects 48 and 50 are "positioning rolls," as disclosed in Kotsiopoulos. One of ordinary skill in the art would not equate rolls that tear one coupon apart from another coupon as a "cross-cutting device", as recited in claim 1. Tearing and cutting are different and one of ordinary skill in the art would know the difference. Accordingly, it is presented that claim 1 is patentable over Kotsiopoulos in view of Pearce. The arguments presented above also apply to claims 2, 3, 6, and 8, which depend from claim 1 and which are to be treated together with claim 1.

Claim 4: Claim 4 has been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,588,280 (Kotsiopoulos) in view of U.S. Patent

No. 2,788,208 (Pearce). Claim 4 recites that the administration forms contain at least one of: therapeutic, cosmetic, and food-technological products. The Office Action, on page 3, lines 12-13, states that "Kotsiopoulos discloses a method for the production of individual cosmetic (printed on) administration forms." The Office Action is equating an administration form containing a cosmetic with a coupon. No reasonable interpretation of a coupon in Kotsiopoulos can encompass an administration form containing a cosmetic. The Office Action seems to suggest that just because a coupon may be printed on, it should be construed as a cosmetic. Or is the Examiner perhaps suggesting that printing a coupon beautifies the paper on which the printing occurs and, hence, is a "cosmetic" enhancement? Such interpretations are not reasonable or appropriate in light of the disclosure of the present application as well as the interpretation of one of ordinary skill in the art. Accordingly, Applicants respectfully request that claim 4 be deemed allowable over Kotsiopoulos in view of Pearce.

Claim 5: Claim 5 has been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,588,280 (Kotsiopoulos) in view of U.S. Patent No. 2,788,208 (Pearce). Claim 5 recites that the administration forms have a weight per unit area between 10 and 50 g/m². The Office Action states, on page 3, lines 22-23, that "Kotsiopoulos discloses all the limitations of the

claims." No other information is provided in the Office Action as to why the U.S. Patent and Trademark Office is asserting that the recitation of claim 5 is found in Kotsiopoulos. Accordingly, the U.S. Patent and Trademark Office has failed to demonstrate a *prima facie* case of unpatentability. Furthermore, it is submitted that there is no disclosure in Kotsiopoulos of the weight per unit area of the coupons and that therefore *prima facie* obviousness of claim 5 over Kotsiopoulos in view of Pearce is absent.

Claim 7: Claim 7 has been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,588,280 (Kotsiopoulos) in view of U.S. Patent No. 2,788,208 (Pearce). Claim 7 recites that the dispenser is a sealing bag. The Office Action states, on page 3, lines 22-23, that "Kotsiopoulos discloses all the limitations of the claims." No other information is provided in the Office Action as to why the U.S. Patent and Trademark Office is asserting that the recitation of claim 7 is found in Kotsiopoulos. Accordingly, the U.S. Patent and Trademark Office has failed to demonstrate a *prima facie* case of unpatentability. Furthermore, it is submitted that there is no disclosure in Kotsiopoulos of the container 10 being a sealing bag and that therefore *prima facie* obviousness of claim 7 over Kotsiopoulos in view of Pearce is absent.

Claim 9: Claim 9 has been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,588,280 (Kotsiopoulos) in view of U.S. Patent No. 2,788,208 (Pearce). To establish a *prima facie* case of obviousness, it is necessary to show that all the claim limitations are taught or suggested by the prior art. *See In re Royka and Martin*, 180 USPQ 580, 583, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03.

Claim 9 recites a method for the production of individual administration forms, arranged as a multilayered stack, from individual tapes. Claim 1 also recites a method for the production of individual administration forms, arranged as a multilayered stack, from individual tapes. The process of Kotsiopoulos fails to disclose or suggest "administration forms" as recited in claim 9 for the same reasons as Kotsiopoulos fails to disclose or suggest "administration forms" as recited in claim 1 and as explained above.

Claim 9 recites arranging individual tapes into a multilayered strand. Claim 1 also recites arranging individual tapes into a multilayered strand. Kotsiopoulos in view of Pearce fails to disclose or suggest arranging individual tapes into a multilayered strand, as recited in claim 9, for the same reasons that Kotsiopoulos in view of Pearce fails to disclose or suggest arranging individual tapes into a multilayered strand, as recited in claim 1 and as explained above.

Claim 9 recites cutting the multilayered strand with the cross-cutting device. Claim 1 also recites cutting the multilayered strand with the cross-

cutting device. Kotsiopoulos fails to disclose or suggest a cross-cutting device, as recited in claim 9, for the same reasons as Kotsiopoulos fails to disclose or suggest a cross-cutting device, as recited in claim 1 and as discussed above. Accordingly, it is presented that claim 9 is patentable over Kotsiopoulos in view of Pearce.

The official Appeal Brief fee of \$500 is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

Applicant respectfully requests a one month extension of time for responding to the Office Action. **The fee of \$120.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By C. Bruce Hamburg
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

By and,

By Ricardo Unikel
Ricardo Unikel
Reg. No. 52,309
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

CLAIMS APPENDIX

1. (Previously Presented) A method for the production of individual administration forms, arranged as a multilayered stack, from individual tapes, comprising:

- a) arranging said individual tapes into a multilayered strand having a leading end;
- b) aligning and transporting said multilayered strand to a cross-cutting device, such that said leading end of said multilayered strand is advanced beyond said cross-cutting device;
- c) positioning an empty, pre-opened dispenser having an open side in a filling position downstream of said cross-cutting device, such that said open side of said dispenser faces said leading end of said multilayered strand;
- d) shifting said leading end of said multilayered strand substantially into said empty, pre-opened dispenser;
- e) after shifting said leading end substantially into said dispenser, cutting said multilayered strand by means of said cross-cutting device, to sever a multilayered stack from said strand, such that said leading end of said multilayered strand forms a leading end of said multilayered stack; and
- f) transferring said multilayered stack directly into said dispenser.

2. (Previously Presented) The method according to claim 1, wherein said tapes have a width of between 5 and 40 mm.

3. (Previously Presented) The method according to claim 1, wherein said administration forms are in the form of a sheet.

4. (Previously Presented) The method according to claim 1, wherein said administration forms contain at least one of: therapeutic, cosmetic, and food-technological products.

5. (Previously Presented) The method according to claim 1, wherein said administration forms have a weight per unit area between 10 and 50 g/m².

6. (Previously Presented) The method according to claim 1, wherein said dispenser is made of a plastic or cardboard.

7. (Previously Presented) The method according to claim 1, wherein said dispenser is a sealing bag.

8. (Previously Presented) The method according to claim 1, wherein said dispenser is a two-piece dispenser with a drawer-shaped bottom part and a top-part.

9. (Previously Presented) A method for the production of individual administration forms, arranged as a multilayered stack, from individual tapes, comprising:

- a) arranging said individual tapes into a multilayered strand having a leading end;
- b) shifting said leading end of said multilayered strand substantially into a pre-opened dispenser;
- c) after shifting said leading end substantially into said dispenser, cutting said multilayered strand by means of a cross-cutting device, to sever a multilayered stack from said strand; and
- d) transferring said multilayered stack into said dispenser.

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Ser. No. 10/658,027

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.